

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare – Khammam District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R 1959, by Sri Budigam Venkanna S/o China Nagaiah R/o Yanambailu (V) Paloncha (M), Khammam against the orders of the Additional Agent to Government in CMA No.43/1999 dt:28-10-2001 – Dismissed- Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No: 206

Dated:19-11-2008.

Read the following:

1. From Sri A Rajashekar Reddy, counsel for the Petitioner, Revision Petition dt:18-12-2001..
2. Government Memo No.20377/LTR-2/2001-1 & 2 dt:8-3-2002.
3. From the Hon'ble High Court of Andhra Pradesh in W.P No.416/2002 dt:14-1-2001.
4. From the Collector, Khammam in R.C No. F2/CMA 43/1999 dt:12-5-2007.
5. Government Memo No.20377/LTR-2/2001 dt:16-7-2007, 3-8-2007 and 20-8-2007.

ORDER:

In the reference 1st read above Sri Budigam Venkanna S/o China Nagaiah has filed a Revision Petition before the Government against the orders of the Additional Agent to Government in CMA No.43/1999 dt:28-10-2001 in respect of lands admeasuring Acres 2.10 guntas in Sy.No.150/23 situated at Yanambailu (V) Paloncha (M) of Khammam District. The main grounds of the appellant in the Revision Petition among others are as follows:-

- i) The petitioner's father purchased the land measuring acs.2.10 gts. in Sy.No.150/23 situated in Yanambailu village of Paloncha Mandal in Khammam District on 15.08.1969 in the name of petitioner along with other brothers Budigam Laxman Rao, Moram Savithri for a consideration of Rs.16,250/- and petitioner's father was put into possession. After his father's death, petitioner came into possession and paying land revenue.
- ii) His name is also entered in Revenue records from 1969 onwards.

2. The brief history of the case is that the case was initiated on a report of the Special Deputy Tahasildar (TW), Paloncha, that the respondent Smt. Puvvada Hemalatha Devi failed to produce the documentary evidence in support of her claim over the suit land to prove her possession and title over the suit land prior to enforcement of regulation. Therefore, the Special Deputy Collector (TW), Paloncha came to the conclusion that she has no valid documents to produce in order to prove her possession prior to 3-2-1970. Hence the Special Deputy Collector (TW) held that she entered the suit land after the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 read with Regulation 1/70 came into force i.e. 3-2-1970, which is void under law. Hence the Special Deputy Collector (TW), Paloncha ordered ejectment of the respondent or whoever is in possession of the immovable property and order to assign it to land less poor Tribals as per rules in force vide LTR case No.1301/94/PVC dt:25-7-1998. Aggrieved by the orders of the Special Deputy Collector (TW), Paloncha, Sri Budigam Venkanna (Non-Tribal) filed an appeal before the Agent to Government. The Agent to Government upon examining the arguments and having considering the facts and circumstances made the following observations:

- a. As per the revenue Records, the name of the Appellant Budigam Venkanna is neither existing in pattedars column nor in occupants column of the pahani for the crucial period of LTR Regulation 1/1959, read with Regulation 1/70 came into force. The entries made in the pahanies are the subsequent development, which was shown with different ink and handwritings in occupant's column of the pahani against Sy. No.150/23 situated in Yanambailu (V) of Paloncha (M). It is clearly indicates that it is a forgery and interpolation to misguide this court.
- b. The Appellant Sri Budigam Venkanna failed to file Registered document in respect of the sale transaction said to be made prior to promulgation of the LTR provisions Sada sale agreement is not acceptable as per the ruling of Hon'ble High Court of Andhra Pradesh as indicated supra.

- c. The Appellant Sri Budigam Venkanna failed to produce the corroborative evidences such as authenticated Land Revenue paid to the Government for the land held by him to substantiate his legal right over the suit schedule land.
- d. It is provided by all that the Appellant Sri Budigam Venkanna is never in possession of the suit schedule land before commencement of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1 of 1959, read with Regulation 1/70.

The Agent to Government upheld the orders of the Special Deputy Collector (TW), Paloncha in CMA No.43/1999, dt:28-10-2001. Aggrieved by the order of the Agent to Government Sri Budigam Venkanna filed a Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, Khammam was requested to furnish parawise remarks and case records and the same were furnished in the reference 3rd read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 24-7-2007 and 16-8-2007 finally on 31-8-2007 through the reference 4th and 5th read above. Both the petitioner and his counsel were absent.

4. Government after careful examination of the material evidence on record observed that:-

- i) As per the sada sale agreement, Sri Puvvada Venkata Subba Rao had sold the above land and executed the deed on behalf of his minor daughter Puvvada Hemalatha Devi, who is pattedar.
- ii) According to the pahanies of:

Year	Pattedar	Cultivator	Remarks
1967-68	Puvvada Hemalatha Devi	Ranga Buchaiah and Ranga Bhoomaiah	With different ink and hand-writing
1968-69	-do-	Venkata Subbaiah F/o Hemalatha Devi	
		B.Laxmaiah and B.Veeraiah	With different ink and hand-writing
1970-71	PuvvadaHemalathadevi,Jayasri, Swarnalatha and Susheela Rani	B.Laxman Rao and B.Veeraiah	With different ink and hand-writing
1971-72	-do-	Puvvada Hemalatha Devi	
1972-73	-do-	PuvvadaHemalathadevi,Jayasri, Swarnalatha and Susheela Rani	
1973-74	-do-	Kept blank	

- iii) Thus, according to the revenue records, petitioner is neither existing in pattedar column nor in occupant's column of the pahani for the crucial period of LTR Regulation 1/59 R/W 1/70 came into force and the entries made were subsequent development with different ink and hand writing only with an intent to come up on record to defeat LTR proceedings.
- iv) The Chapter III, Sec.54 of Transfer of Property Act, 1882 defines that in case of tangible immovable property of the value of hundred rupees and upwards, or in the case of a reversion or other tangible thing can be made only by a registered document. In the present case, the total sale consideration of the transaction is Rs.16,250/-.
- v) The sada sale agreement executed on 15.8.1969 which is not duly stamped and registered U/s.17-B of Registration Act, cannot be taken as an evidence of proof in the light of the judgement of the Hon'ble High Court of AP in CRP No.1087/96, dt. 10.11.1998 in the case of Bangaru Rama

Thulisamma Vs Yada Mastan Reddy. Further, it is also a well settled law that right title and interest of the vendor extinguished only by executing deed of conveyance duly registered under Registration Act. Hence, the sada agreement executed on 15.8.1969 cannot be admitted as an evidence as primary or substantial evidence.

5. Government after careful examination of the case records find no reason to interfere with the orders of the Agent to Government, Khammam in CMA No.43/1999 dt:28-10-2001 and accordingly dismissed the Revision Petition. The stay granted in W.P No.416/2002, dt:4-1-2002 will become in operative.

6. The Collector, Khammam District / Agent to Government, Khammam is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,

Prl. Secretary to Government.

To

The Collector, Khammam District. (WE)

1.CMA No:43/1999 containing CFP 96 & NFP 32 total 138 pages.

The Addl. Agent to Government & PO ITDA, Khammam District

The Special Deputy Collector (TW), Paloncha, Khammam District.

The Mandal Revenue Officer, Paloncha, Khammam District.

Sri Budigam Venkanna S/o China Nagaiah,

R/o Yanambile (V) Paloncha (M), Khammam District.

Smt Puvvada Hemalatha Devi D/o Venkata Subba Rao,

R/o Yanambile (V) Paloncha (M), Khammam District.

Smt Puvvada Jayasri D/o Venkata Subba Rao,

R/o Yanambile (V) Paloncha (M), Khammam District.

Smt Puvvada Swarna Latha D/o Venkata Subba Rao,

R/o Yanambile (V) Paloncha (M), Khammam District.

Smt Puvvada Suseela Devi D/o Venkata Subba Rao,

R/o Yanambile (V) Paloncha (M), Khammam District.

Sri A.Rajashekar Reddy, Advocate,

Plot No.105, saraswathi Nagar, Saidabad, Hyderabad.

Copy to the P.S. to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER